

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Civil No. 15-2063 (DWF/JJK)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Thomas Lorenzo-Perez,

Respondent.

This matter is before the Court upon Respondent Thomas Lorenzo-Perez's ("Respondent") objections (Doc. No. 16) to Magistrate Judge Jeffrey J. Keyes's August 11, 2015 Report and Recommendation (Doc. No. 14) insofar as it recommends that: (1) the government's Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 be granted based on findings that: (a) Respondent suffers from a mental disease or defect; (b) Respondent is in need of custody for care or treatment of that mental disease or defect; and (c) that FMC Rochester is a suitable facility for such care and treatment; and (2) Respondent be committed to the custody of the United States Attorney General pursuant to 18 U.S.C. § 4245 for hospitalization and treatment until Respondent is no longer in need of such custody for care and treatment. The Petitioner filed a letter requesting that the Court adopt the Magistrate Judge's Report and Recommendation. (Doc. No. 17.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local

Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Respondent's objections.

In his objections to the Report and Recommendation, Respondent's counsel, on his behalf, "object[s] to the ultimate recommendation that he be committed for psychiatric treatment, including involuntary medication." (Doc. No. 16.) Further, the letter states: "The Report and Recommendation contain an accurate recitation of both the factual record and the applicable law. However, I object because Mr. Lorenzo-Perez does not believe he is suffering from a mental illness, and does not wish to accept treatment." (*Id.*)

The Court acknowledges and had considered the objections asserted on Respondent's behalf; however, the Court concludes that those objections do not offer grounds to deviate from the recommendation of Magistrate Judge Keyes. The Magistrate Judge carefully outlined the detailed factual record in this matter and the Court agrees that the record supports the Magistrate Judge's ultimate findings. Further, the Court agrees with Magistrate Judge Keyes's recitation of the law in this matter. Thus, the Court adopts the Report and Recommendation in its entirety.

Accordingly, based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Respondent Thomas Lorenzo-Perez's objections (Doc. No. [16]) to Magistrate Judge Jeffrey J. Keyes's August 11, 2015 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Jeffrey J. Keyes's August 11, 2015 Report and Recommendation (Doc. No. [14]) is **ADOPTED**.

3. The Government's Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 (Doc. No. [1]) is **GRANTED** based on findings that: (a) Respondent suffers from a mental disease or defect; (b) Respondent is in need of custody for care or treatment of that mental disease or defect; and (c) FMC Rochester is a suitable facility for such care and treatment.

4. Respondent shall be committed to the custody of the United States Attorney General pursuant to 18 U.S.C. § 4245 for hospitalization and treatment until Respondent is no longer in need of such custody for care and treatment.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 25, 2015 s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge